

## **600 INVESTIGATION AND PROSECUTION**

### **600.1 PURPOSE AND SCOPE**

When assigned to a case for initial or follow-up investigation, officers shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges.

### **600.2 INITIAL INVESTIGATIONS**

An officer responsible for an initial investigation shall complete no less than the following:

1. Make a preliminary determination if a crime has been committed by completing, at a minimum:
  - a. An initial statement from any witnesses or complainants.
  - b. A cursory examination for possible evidence.
2. If information indicates a crime has occurred, the officer shall:
  - a. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - b. Determine if additional investigative resources (e.g., investigators or scene processing) assistance is necessary and request assistance as required.
  - c. If assistance is warranted, or if the incident is not routine, notify a supervisor or Watch Commander.
  - d. Interview all available victims, informants, complainants, witnesses and suspects.
  - e. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - f. Collect any evidence.
  - g. Take any appropriate law enforcement action.
  - h. Complete and submit the appropriate reports and documentation.
3. If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available and advise the informant or complainant of this information.

A civilian employee who is not an officer assigned to any preliminary investigation is responsible for all investigative steps except making any attempt to locate, contact or interview a suspect or take any enforcement action. Should an initial investigation indicate those steps are required, the assistance of an officer shall be requested.

### **600.3 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be read their Miranda rights.

A juvenile's request to speak with a parent or to have a parent present during questioning should be honored to ensure the juvenile's statement is voluntary. A Deputy Juvenile Officer must be present and will read the Juvenile Miranda Rights form.

## **600.3.1 RECORDING CUSTODIAL INTERROGATIONS**

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the County Prosecutor and the Investigation Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

## **600.5 PERSONS WITH COMMUNICATION DISABILITIES**

Upon the arrest of a person with a communication disability and before interrogation or the taking of his/her statement, the officer, should make an interpreter available to that person.

## **600.6 FOLLOW-UP INVESTIGATIONS**

Follow-up investigations on all cases are evaluated and assigned by the Investigation Unit supervisor based upon caseload, case assignment and an evaluation of case solvability factors.

### **600.6.1 CASE SOLVABILITY FACTORS**

Case solvability factors include, but are not limited to:

1. Reliability of witnesses
2. Suspect is named.
3. Suspect is described.
4. Suspect's location is known.
5. Suspect is identified.
6. Suspect has been previously seen.
7. Suspect vehicle is described.

8. Suspect vehicle is identified.
9. Property is traceable.
10. Modus operandi is significant.
11. There is usable physical evidence.
12. There was limited opportunity for anyone other than the suspect to commit the crime.
13. The case may be solved with reasonable additional investigative effort.
14. Other factors that are applicable only in exceptional circumstances include:
  - a. That the case is of significant importance to the community.
  - b. That there is potential, imminent danger to victims or witnesses.
  - c. The seriousness of offense.
  - d. That there is a characteristic pattern, frequency or modus operandi related to the case.
  - e. Management decisions to pursue a case regardless of solvability factors.

## **600.8 MODIFICATION OF CHARGES FILED**

Employees should consult with a supervisor prior to recommending to the County Prosecutor, City Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed. Engaging in discussions initiated by the prosecutor representing the County Prosecutor or City Attorney is not prohibited. In all cases resulting in court prosecution, any intent by a member of the Department to modify the charges filed or to recommend dismissal of charges in a pending case shall be discussed with a Bureau Commander or the Chief of Police or the authorized designee prior to taking action.

## **600.9 TRAINING**

Officers should receive training in conducting preliminary investigations prior to assignment to any investigative duties. Officers assigned to investigative follow-up or advanced investigations, or upon assignment to the Operations Support Bureau, should have completed training in follow-up investigations.